

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION**

TEXAS; and KEN PAXTON, in  
his official capacity as Texas  
Attorney General,

*Plaintiffs,*

v.

TRAVIS COUNTY, TEXAS; SALLY  
HERNANDEZ, in her official capacity as  
Sheriff of Travis County; CITY OF  
AUSTIN, TEXAS; ORA HOUSTON,  
DELIA GARZA, SABINO RENTERIA,  
GREGORIO CASAR, ANN KITCHEN,  
JIMMY FLANNIGAN, LESLIE POOL,  
ELLEN TROXCLAIR, KATHIE TOVO,  
and ALISON ALTER, all in their official  
capacities as City Council Members of  
the City of Austin; STEVE ADLER, in  
his official capacity as Mayor of the City  
of Austin; ELAINE HART, in her official  
capacity as Interim City Manager of the  
City of Austin; EL PASO COUNTY,  
TEXAS; RICHARD WILES, in his  
official capacity as Sheriff of El Paso  
County; CITY OF EL CENIZO, TEXAS;  
RAUL L. REYES, in his official capacity  
as Mayor of the City El Cenizo; TOM  
SCHMERBER, in his official capacity as  
Sheriff of Maverick County; MARIO A.  
HERNANDEZ, in his official capacity as  
Constable Pct. 3-1 of Maverick County;  
the TEXAS ORGANIZING PROJECT  
EDUCATION FUND; the MEXICAN  
AMERICAN LEGAL DEFENSE AND  
EDUCATION FUND; and the LEAGUE  
OF UNITED LATIN AMERICAN  
CITIZENS,

*Defendants.*

Civ. Action No. 1:17-cv-425-SS

**PLAINTIFFS' MOTION TO  
CONSOLIDATE AND REQUEST  
FOR EXPEDITED RULING**

Texas, by and through its Attorney General, and pursuant to Federal Rule of Civil Procedure 42, moves this Court to consolidate this case with three recently consolidated cases pending in this Court's San Antonio Division, *City of El Cenizo, Texas, et al. v. State of Texas et al.*, No. 5:17-cv-404-OLG (W.D. Tex., San Antonio Division); *El Paso County et al. v. The State of Texas et al.*, No. 5:17-cv-00459-OLG (W.D. Tex., San Antonio Division); and *City of San Antonio, Texas et al. v. The State of Texas, et al.*, No. 5:17-cv-00489-OLG (W.D. Tex., San Antonio Division). In support of this Motion, Texas relies on the following contemporaneously filed documents:

1. Memorandum of Law in Support of Texas's Motion to Consolidate and Request for Expedited Ruling;
2. Texas's Motion and Memorandum of Law in Support of Motion to Dismiss or Transfer the Consolidated Cases filed in No. 5:17-cv-404-OLG (the lead case), attached hereto as Exhibit 1; and
3. [Proposed] Order Granting Texas's Motion to Consolidate.

For the reasons stated in this Motion and accompanying documents, Texas respectfully requests that the Court grant this motion, and consolidate Case Nos. 5:17-cv-404-OLG, No. 5:17-cv-00459-OLG, and No. 5:17-cv-00489-OLG with this matter in this division.

Respectfully submitted this the 8th day of June, 2017.

KEN PAXTON  
Attorney General of Texas  
JEFFREY C. MATEER  
First Assistant Attorney General  
BRANTLEY D. STARR  
Deputy First Assistant Attorney General  
MICHAEL C. TOTH  
Special Counsel to the First Assistant  
Attorney General  
ANDREW D. LEONIE  
Associate Deputy Attorney General

AUSTIN R. NIMOCKS  
Associate Deputy Attorney General

/s/ *Darren McCarty*  
DARREN MCCARTY  
Special Counsel for Civil Litigation  
Texas Bar No. 24007631  
darren.mccarty@oag.texas.gov

DAVID J. HACKER  
Senior Counsel

JOEL STONEDALE  
Counsel

Office of Special Litigation  
ATTORNEY GENERAL OF TEXAS  
P.O. Box 12548, Mail Code 009  
Austin, Texas 78711-2548  
(512) 936-1414  
(512) 936-0545 Fax

*ATTORNEYS FOR TEXAS*

### **CERTIFICATE OF CONFERENCE**

Counsel for Plaintiffs sought conference via email on June 8, 2017 with counsel for Defendants. Counsel for Travis County Defendants, MALDEF, *El Cenizo* defendants, and the City of El Paso et al. responded that they oppose the motion.

/s/ Darren McCarty  
DARREN MCCARTY

### **CERTIFICATE OF SERVICE**

I, Darren McCarty, hereby certify that on this the 8th day of June, 2017, a true and correct copy of the foregoing document was transmitted using the CM/ECF system, which automatically sends notice and a copy of the filing to all counsel of record.

/s/ Darren McCarty  
DARREN MCCARTY